

Department of Health
Notice of Rulemaking Hearing
Board of Chiropractic Examiners
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Chiropractic Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-4-106. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CST) on the 16th day of February, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0260-2-.03, Necessity of Licensure, is amended by inserting the following language as new paragraph (4) and renumbering the existing paragraph (4) as paragraph (5):

- (4) The Board shall provide a sign to each licensed chiropractic physician which shall be displayed in the most conspicuous site at the licensee's practice location. The sign shall state:
 - (a) that chiropractic therapy assistants and chiropractic x-ray operators are required to be currently certified by the Board before commencing with or participating in tests, treatments, or procedures; and
 - (b) that chiropractic therapy assistants and chiropractic x-ray operators are required to wear identification badges issued by the Board when commencing or participating in tests, treatments, or procedures; and

- (c) that patients who believe they are receiving treatment from uncertified personnel should contact the Board of Chiropractic Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, 63-4-119, and 63-4-123.

Rule 0260-3-.03, Necessity of Certification, is amended by adding the following language as new paragraph (6):

- (6) The Board shall provide a sign to each licensed chiropractic physician which shall be displayed in the most conspicuous site at the licensee's practice location. The sign shall state:
 - (a) that chiropractic x-ray operators are required to be currently certified by the Board before commencing with or participating in tests, treatments, or procedures; and
 - (b) that chiropractic x-ray operators are required to wear identification badges issued by the Board when commencing or participating in tests, treatments, or procedures; and
 - (c) that patients who believe they are receiving treatment from uncertified personnel should contact the Board of Chiropractic Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-119.

Rule 0260-3-.06, Fees, is amended by inserting the following language as new subparagraph (1) (f) and renumbering the existing subparagraph (1) (f) as subparagraph (1) (g):

- (1) (f) Replacement Identification Badge \$ 25.00

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, and 63-4-119.

Rule 0260-3-.10, Supervision, is amended by adding the following language as new paragraphs (3) and (4):

- (3) Before being authorized to perform any x-ray procedure or operate any x-ray equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the x-ray operator's renewal certificate in his/her personnel file to prove the x-ray operator being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.

- (4) The employing chiropractic physician(s), or a chiropractic physician designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the chiropractic physician(s) at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-119.

Rule 0260-3-.15, Certificate, is amended by adding the following language as new paragraph (3):

- (3) Identification
 - (a) All chiropractic x-ray operators shall be required to wear an identification badge indicating his/her name, photograph, and Tennessee certificate number.
 - (b) The Board shall send each certificate holder an identification badge with lamination instructions. Certificate holders will also receive photograph requirements.
 - (c) If the identification badge is lost, a notarized statement requesting a duplicate must be submitted to the Board's administrative office and accompanied with the appropriate fee as stated in Rule 0260-3-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-119.

Rule 0260-5-.03, Necessity of Certification, is amended by adding the following language as new paragraph (6):

- (6) The Board shall provide a sign to each licensed chiropractic physician which shall be displayed in the most conspicuous site at the licensee's practice location. The sign shall state:
 - (a) that chiropractic therapy assistants are required to be currently certified by the Board before commencing with or participating in tests, treatments, or procedures; and

- (b) that chiropractic therapy assistants are required to wear identification badges issued by the Board when commencing or participating in tests, treatments, or procedures; and
- (c) that patients who believe they are receiving treatment from uncertified personnel should contact the Board of Chiropractic Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-123.

Rule 0260-5-.06, Fees, is amended by inserting the following language as new subparagraphs (1) (f) and (4) (f), and by renumbering the existing subparagraphs (1) (f) and (4) (f) as subparagraphs (1) (g) and (4) (g):

- (1) (f) Replacement identification badge – A non-refundable fee to be paid when an individual requests a replacement for a lost or stolen identification badge.
- (4) (f) Replacement Identification Badge \$ 25.00

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, and 63-4-123.

Rule 0260-5-.10, Supervision, is amended by adding the following language as new paragraphs (3) and (4):

- (3) Before being authorized to perform any chiropractic procedure or operate any equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the chiropractic therapy assistant's renewal certificate in his/her personnel file to prove the chiropractic therapy assistant being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.
- (4) The employing chiropractic physician(s), or a chiropractic physician designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the chiropractic physician(s) at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-123.

Rule 0260-5-.15, Certificate, is amended by adding the following language as new paragraph (3):

(3) Identification

- (a) All chiropractic therapy assistants shall be required to wear an identification badge indicating his/her name, photograph, and Tennessee certificate number.
- (b) The Board shall send each certificate holder an identification badge with lamination instructions. Certificate holders will also receive photograph requirements.
- (c) If the identification badge is lost, a notarized statement requesting a duplicate must be submitted to the Board's administrative office and accompanied with the appropriate fee as stated in Rule 0260-5-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-119.

This space left blank intentionally.

Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Chiropractic Examiners.

Robbie H. Bell, Director
Division of Health Related Boards

Subscribed and sworn to before me this the 7th day of December, 2006.

Notary Public

My commission expires on the 20th day of March, 2010.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2006.

Riley C. Darnell
Secretary of State

By: _____